

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

PARAGON COMPONENT)
SYSTEMS, LLC,)
)
 Plaintiff,)
)
 v.) Case No.: 1:24-cv-00246-CEA-CHS
)
)
 QUALTIM, INC., CENTER FOR)
 BUILDING INNOVATION, LLC,)
 DRJ ENGINEERING, LLC,)
 INSPIRED PURSUITS, LLC,)
 KIRK GRUNDAHL, and)
 SUZANNE GRUNDAHL,)
)
 Defendants.)

**DEFENDANTS' RESPONSE IN OPPOSITION TO MOTION FOR LEAVE TO
FILE FIRST SUPPLEMENTAL OR AMENDED COMPLAINT**

Defendants, by and through counsel, submit this response in opposition to Plaintiff's motion to supplement Complaint.

Defendants oppose Plaintiff's motion to supplement Complaint based on alleged facts that occurred after their initial Complaint. Plaintiff relies on *Sunless, Inc. v. Selby Holdings, LLC*, No. 3:20-cv-00930, 2021 U.S. Dist. LEXIS 149902 (M.D. Tenn. Aug. 10, 2021) in support of its motion, but that analysis cannot be applied here. In *Sunless*, the allegations that occurred after the initial pleading were related to its initial complaint. In fact, the post filing actions were facts needed to support claims in the initial pleading. *Id.* at *15. That is distinct to Plaintiff's reasons for the supplemental pleading here.

In this case, the new allegations and claim are not related to the declaratory relief sought in the initial complaint. The allegations are civil torts in nature and are irrelevant to the issue of copyright ownership. Although the allegations concern the Defendants' commentaries on this case, they remain irrelevant for the purpose of the declaratory relief. Plaintiff's allegation of tortious interference is a civil tort and would constitute a "separate, distinct, and new cause of action" which is not the purpose of supplemental pleadings. *McNichols v. Lyons*, No. 3:17-CV-688-RGJ, 2023 WL 5154525 (W.D. Ky. Aug. 10, 2023). "[T]he Court does not allow amendment or supplementation ... because it is a new claim and does not arise from the same conduct, transaction, or occurrence as the matters from [the original] complaint." *Id.* Accordingly, Plaintiff's motion to supplement should be denied.

Additionally, at the time of this filing, the issue of this Court's jurisdiction over Defendants is still at issue. Defendants have a pending case in the state of Wisconsin for Plaintiff's violation of state statutes.¹ Alternatively, the proper procedure here would be for Plaintiff to file the new claim as a counterclaim to the Wisconsin case.

Last, with regard to Plaintiff's alternate motion to amend its Complaint, Plaintiff admits the new claim is entirely based on actions that occurred after the Complaint was filed. Doc. 53, p. 3. A motion to amend "is not the appropriate mechanism to add allegations regarding post-filing conduct under the Federal Rules of Civil Procedure." *Sunless*, 2021 U.S. Dist. LEXIS 149902 at *5. Therefore, Plaintiff's alternate motion to amend must also be denied.

¹ As previously reported by Plaintiff, Defendants filed a lawsuit against Plaintiff and affiliated entities in the United States District Court for the Western District of Wisconsin on October 24, 2024. See Doc. 51-18. The federal lawsuit was recently voluntarily dismissed without prejudice and a new lawsuit was filed by Defendants against Plaintiff and the affiliated entities in Circuit Court for Dane County, Wisconsin on January 2, 2025. A copy of the Circuit Court Complaint is attached as Exhibit A.

By: s/Mayville La Rosa

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of January, 2025, a copy of the foregoing Defendants' Response in Opposition to Motion for Leave to File First Supplemental or Amended Complaint was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/Michael J. Bradford

Michael J. Bradford